



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PDV USA, INC,

Plaintiff,

- against -

INTERAMERICAN CONSULTING INC,

Defendant.
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20-CV-3699 (JGK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff PDV's request for relief at Dkt. 163 to address the ongoing saga of the "Missing Documents." Having considered the reasons for the request, the parties' ensuing correspondence (Dkts. 164-165), and all prior proceedings (including the Court's having previously ordered that there would be no further extension of the stay), it is hereby ordered that:

1. By April 8, 2024, Interamerican shall produce to PDV all non-privileged documents that (i) are responsive to PDV's document requests, (ii) have not already been produced, (iii) are in Interamerican's possession, custody, and control – including documents produced by the Government to Mr. Rivera in the criminal proceeding against Mr. Rivera, and (iv) consist of email, texts, or other electronic communications to which Mr. Rivera was an author or recipient in his capacity as an employee, officer, director, representative, or agent of Interamerican.

2. PDV may simultaneously continue its efforts to obtain such documents (and additional responsive documents) from the Government.

3. The stay previously imposed will lift as of April 15, 2024.

4. Notwithstanding the foregoing, PDV may serve upon Interamerican the spoliation-related interrogatories it proposes prior to April 15, 2024, and Interamerican shall then respond to the interrogatories within 14 days.

5. PDV may proceed with a motion for sanctions as outlined in its letter at Dkt. 163.

The Clerk of Court is respectfully directed to terminate the letter motion at Dkt. 163.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal flourish extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 25, 2024
New York, New York

Copies transmitted this date to all counsel of record.